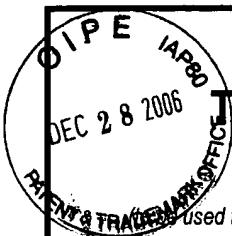


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# TRANSMITTAL FORM

(Use this form for all correspondence after initial filing)

Application Number

10/714,195

Filing Date

November 14, 2003

First Named Inventor

Joffre B. BAKER

Group/Art Unit

1634

Examiner Name

Shaw, Amanda Marie

Total Number of Pages in This Submission

Attorney Docket Number

39740-0005A

## ENCLOSURES (check all that apply)

 Transmittal Form Copy of an Assignment After Allowance Communication to Group Fee Transmittal Form Drawing(s) Appeal Communication to Board of Appeals and Interferences Fee Attached Licensing-related Papers Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Response to Office Action Petition Routing Slip (PTO/SB/69) and Accompanying Petition Proprietary Information After Final Petition to Convert to a Provisional Application Status Letter Version With Markings Showing Changes Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW): Extension of Time Request Terminal Disclaimer 10 references cited on Form PTO-1449; Return Postcard Information Disclosure Statement Small Entity Statement Certified Copy of Priority Document(s) Request for Refund

Remarks

 Response to Missing Parts/ Incomplete ApplicationAUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39740-0005A. Response to Missing Parts under 37 CFR 1.52 or 1.53 Copy of Notice

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRLICH LLP 275 Middlefield Road, Menlo Park, California 94025			LESLIE A. MOOI (Reg. No. 37,047)
				Telephone: (650) 324-7000
Signature				Facsimile: (650) 324-0638
Date	December 28, 2006	Customer Number:	25213	

## CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP: Amendment**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: **December 28, 2006**

Express Mail Label EV 582 632 314 US

Typed or printed name	Kathleen K. Muto		
Signature		Date	December 28, 2006

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop   , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

# COMBINED FEE TRANSMITTAL for FY 2006

Effective 12/08/2004. Patent fees are subject to annual revision.

DEC 28 2006 PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **\$180.00**

*Complete if Known*

Application Number	10/714,195
Filing Date	November 14, 2003
First Named Inventor	Joffre B. BAKER
Examiner Name	Shaw, Amanda Marie
Art Unit	1634
Attorney Docket No.	39740-0005A

## METHOD OF PAYMENT (check one)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
<input checked="" type="checkbox"/> Deposit Account				

Deposit Account Number: 08-1641 (Ref. Atty. Docket No. 39740-0005A)

Deposit Account Name: Heller Ehrman LLP

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below
- Credit any overpayments and charge any deficiencies
- Charge any additional fee(s) during the pendency of this application
- Charge fee(s) indicated below, **except for the filing fee** to the deposit account

## FEE CALCULATION (continued)

<b>4. PETITION FEES UNDER 37 CFR 1.17 (f)</b> Fee Code: 1462 Fee \$ 400 For petitions filed under: § 1.53(e); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)	<b>Fee Paid</b>
<b>5. PETITION FEES UNDER 37 CFR 1.17 (g)</b> Fee Code: 1463 Fee \$ 200 For petitions filed under: § 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.295; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25	<b>Fee Paid</b>
<b>6. PETITION FEES UNDER 37 CFR 1.17 (h)</b> Fee Code: 1464 Fee \$ 130 For petitions filed under: § 1.19(g); § 1.84; § 1.91; § 1.102(d); § 1.138(c); § 1.313; § 1.314	<b>Fee Paid</b>
<b>7. PROCESSING FEES UNDER 37 CFR 1.17 (i)</b> Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under: § 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(e); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81	<b>Fee Paid</b>

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES			Entity Fee (\$)	Entity Fee (\$)	Fee Description	Fee Paid
Application Type	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)	50	25	Surcharge - late filing fee or oath	
Utility	300	150	500	250	200	100		130	130	Surcharge - late provisional filing fee or cover sheet	
Design	200	100	100	50	135	65		2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
Plant	200	100	300	150	160	80		920*	920*	Requesting publication of SIR prior to Examiner action	
Reissue	300	150	500	250	600	300		1,840*	1,840*	Requesting publication of SIR after Examiner action	
Provisional	200	100	0	0	0	0		120	60	Extension for reply within first month	
	<b>SUBTOTAL (1)</b>							450	225	Extension for reply within second month	
								1,020	510	Extension for reply within third month	
								1,590	795	Extension for reply within fourth month	

### 2. EXTRA CLAIM FEES

Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
50	25	Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent
200	100	Each Independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent
360	180	Multiple dependent claim, if not already paid

Extra Claims Fee from above Fee Paid

Total Claims	20	-20=	0	x	25	=		500	250	Petition to revive - unavoidably abandoned application	
Independent Claims	3	-3** =	0	x	100	=		50	50	Processing fee for provisional appls (37 CFR 1.17(q))	

\*\*or number previously paid, if greater; For Reissues see below

Multiple Dependent	360.00	=	0		1,000	500	Request for oral hearing	
					790	395	For each additional invention to be examined (37 CFR 1.129(b))	

**SUBTOTAL (2)**

0

3. APPLICATION SIZE FEE	790	395	Request for Continued Examination (RCE)	
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the a whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)	900	900	Request for expedited examination of a design application	
	Other fee (specify)			

Total Sheets	Extra Sheets	Number of each additional 50	Fee (\$)	Small Entity Fee (\$)		<b>SUBTOTAL (4+5+6+7+8)</b>	\$180.00
-100 =	/50 =		x 250	OR	x 125		

**SUBTOTAL (3)**

\$ 0

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type)	LESLIE A. MOOI	Registration No. (Attorney/Agent)	37,047	Telephone	650 324-7000
Signature	<i>Leslie A. Mook</i>	Date	December 28, 2006	Customer No.	25213



**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on the date indicated below.

Express Mail Label: EV 582 632 314 US

Typed or print name	Kathleen K. Muto	
Signature	<i>Kathleen K. Muto</i>	Date
		Dec. 28, 2006

**PATENT**

**Attorney Docket No.: 39740-0005A**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**PATENT APPLICATION**

Inventor(s): Joffre B. Baker et al.	)	Confirmation No. 5745
Application No.: 10/714,195	)	Art Unit: 1634
Filed: November 14, 2003	)	Examiner: Shaw, Amanda Marie
Title: Gene Expression Profiling of EGFR Positive	)	Customer No. 25213
Cancer	)	

**INFORMATION DISCLOSURE STATEMENT**

**UNDER 37 C.F.R. §1.97**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each cited pending unpublished U.S. application, and all additional publications other than U.S. patents and U.S. patent application publications. 37 C.F.R. §§1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

01/05/2007 AWONDAF1 00000127 081641 10714195

01 FC:1806 180.00 DA

This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --

(2) It is being filed within 3 months of entry of a national stage  
-- OR --

(3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --

(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

a certification as specified in §1.97(e) is provided below; **or**

a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; **and**

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

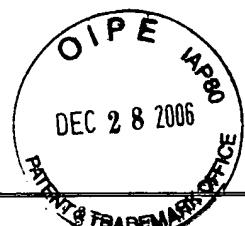
*Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No.: 39740-0005A).

Respectfully submitted,

By: Leslie A. Mooi  
Leslie A. Mooi (Reg. No. 37,047)

Dated: December 28, 2006

**HELLER EHRLMAN LLP**  
275 Middlefield Road  
Menlo Park, California 94025-3506  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638



SHEET 1 OF 2

<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>		ATTY. DOCKET NO.	SERIAL NO.			
		39740-0005	10/714,195			
		APPLICANT: Joffre B. Baker et al.				
		FILING DATE: 11/14/2003		GROUP: 1634		
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER'S INITIALS	PUBLICATION NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	2002/0009736	01/24/02	Wang	435	6	
	2003/0073112	04/17/03	Zhang et al.	435	6	
	2003/0104499	06/05/03	Pressman et al.	435	7.23	
	2003/0165952	09/04/03	Linnarsson et al.	435	6	
	2003/0180791	09/25/03	Chinnadurai	435	6	
	2003/0198970	10/23/03	Roberts	435	6	
	2004/0009489	01/15/04	Golub et al.	435	6	
	2004/0133352	07/08/04	Bevilacqua et al.	702	19	
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	4,699,877	10/13/87	Cline et al.	435	6	
	5,015,568	05/14/91	Tsujimoto et al.	435	5	
	5,459,251	10/17/95	Tsujimoto et al.	536	23.5	
	RE 35491	04/08/97	Cline et al.	435	6	
	5,858,678	01/12/99	Chinnadurai	435	7.1	
	5,952,179	09/14/99	Chinnadurai	435	6	
	5,985,553	11/16/99	King et al.	435	6	
	6,207,452	03/27/01	Govindaswamy	435	330	
	6,271,002	08/07/01	Linsley et al.	435	91.1	
	6,322,986	11/27/01	Ross	435	6	
	6,414,134	07/02/02	Reed	536	24.5	
	6,582,919	06/24/03	Danenberg	435	6	
	6,602,670	08/05/03	Danenberg	435	6	
	6,618,679	09/09/03	Loehrlein et al.	702	20	
EXAMINER		DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>	<b>ATTY. DOCKET NO.</b>  <b>39740-0005</b>	<b>SERIAL NO.</b>  <b>10/714,195</b>
<b>APPLICANT:</b> Joffre B. Baker et al.		
	<b>FILING DATE:</b> 11/14/2003	<b>GROUP:</b> 1634

## FOREIGN PATENT DOCUMENTS

## OTHER DOCUMENTS

*(including author, title, date, pertinent pages, etc.)*

Examiner Initials	Ref. No.	Title
		Brabender, Jan, et al.; <i>Epidermal Growth Factor Receptor and HER2-neu mRNA Expression in Non-Small Cell Lung Cancer Is Correlated with Survival</i> , Clinical Cancer Research; Vol. 7, July 2001; pgs. 1850-1855.
		Ding, Chunming, et al.; <i>A high-throughput gene expression analysis technique using competitive PCR and matrix-assisted laser desorption ionization time-of-flight MS</i> , PNAS, Vol. 100:6; March 18, 2003; pgs. 3059-3064.
		Cambridge Healthtech Institute Conference Agenda; "ENABLING MOLECULAR PROFILING WITH CELLULAR RESOLUTION: Microgenomics Using Homogeneous Cell Samples"; Dec. 2002; 5 pgs.
		Yang, Li, et al.; <i>BADGE, BeadsArray for the Detection of Gene Expression, a High-Throughput Diagnostic Bioassay</i> ; Genome Research; Vol. 11; 2001; pgs. 1888-1898.

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.